

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 3rd day of April 1998

BEFORE

THE HON'BLE Mr. JUSTICE V.K.SINGHAL

WRIT PETITION NO.20178 OF 1991

Between:

The National Mineral Development Corporation Limited, a company incorporated under the Companies Act, 1956, having its Registered Office at Castle Hills, Masab Tank Hyderabad-26, and one of its Units at Donimalai, Donimalai Township Bellary District, represented herein by the General Manager S.K.Agarawal ..Petitioner

(Sri Ramadas, Advocate)

And:

1. The Mandal Panchayat, Bhujanganagar, P.O.Sandur, Sandur Taluk, Bellary District represented by its Pradhan Shri O.Shanmukhappa and its Secretary Shri S.T.Hadapati.

2. The Zilla Parishad, Bellary Post, Bellary, represented by its Chief Secretary

.. Respondents

(Sri Hiremath, Advocate caveator and Patil Associates for R-2)

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Writ Petitionis filed praying to quash Annexures-B and D dated 7.2.91 and 5.8.91 bearing No.MP.7:90-91 and 219/90-91 passed by respondents-1 and 2 respectively etc.

This petition coming on for hearing today, the Court made the following:

order

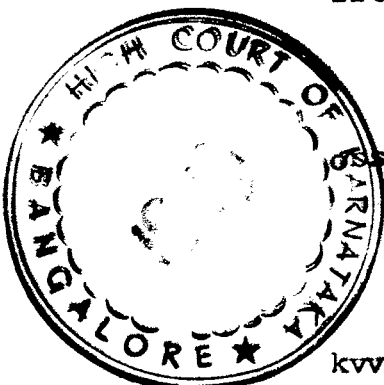
ORDER

The petitioner is aggrieved by the order passed by the Chief Secretary, Zilla Parishad, Bellary, in appeal preferred by the petitioner. It is stated by the learned Counsel for the petitioner that the said order fixing the ^{Tax} amount at Rs.1,00,000/- is without any basis and in accordance with Annexure-H. The Ratable value comes to only Rs.4,03,404-00.

2. Arguments of both the learned Counsel for the parties have been heard.

3. It appears that the petitioner was prevented by sufficient cause in appearing before the appellate authority. Factual aspect of the matter has not been discussed at length. It would be proper to quash the order dated ~~7-2-1991~~ and 5-8-91 and the matter is remitted ^{back} to him to decide afresh taking into consideration the factual aspect of the matter and after hearing the petitioner. The petitioner shall appear before the appellate authority on 27-4-1998 without awaiting for further notice from him.

4. Writ Petition is allowed with the above observations.



Sd/-
JUDGE